

Appln. No. 10/749,667
Amendment dated February 1, 2006
Reply to Office Action of November 17, 2005

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The November 17, 2005 Office Action and the Examiner's comments have been carefully considered. In response, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

ELECTION/RESTRICTIONS

The Examiner's indication that claims 4, 5, 7-9, 14-17 and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) is acknowledged.

REJECTION UNDER 35 USC 112

In the Office Action claims 31 and 33-35 are rejected under the second paragraph of 35 USC 112 as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. In response, claim 31 is amended and claims 33 and 35 are cancelled. In view of the amendment of claim 31 and the cancellation of claims 33 and 35, reconsideration and withdrawal of the rejection of these

Appln. No. 10/749,667
Amendment dated February 1, 2006
Reply to Office Action of November 17, 2005

claims under the second paragraph of 35 USC 112, and allowance of claim 31, are respectfully requested.

PRIOR ART REJECTIONS AND ALLOWABLE SUBJECT MATTER

In the Office Action claims 1, 10 and 35 are rejected under 35 USC 102 as being unpatentable over USP 4,277,099 (Klein et al.) in view of USP 6,433,090 (Ellul et al.). Claims 3 and 13 are rejected under 35 USC 103 as being unpatentable over Klein et al. and Ellul et al., and further in view of USP 6,367,865 (Royse). Claims 33 and 34 are rejected under 35 USC 103 as being unpatentable over Klein et al. in view of Ellul et al., and further in view of USP 4,362,427 (Mass et al.).

The Examiner's indication that claims 2, 6, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims, is acknowledged. In response, claim 1 is amended to include the limitations of claim 2, and claim 10 is amended to include the limitations of claim 11 to place claims 1 and 10 in form for allowance. In addition, claims 33-35 are cancelled, thereby rendering the rejection of claims 33-35 moot. Claims 3 and 13 are allowable in view of their dependence on claims 1 or 10.

Appln. No. 10/749,667
Amendment dated February 1, 2006
Reply to Office Action of November 17, 2005

Claims 6, 7 and 9 are cancelled in view of duplication of claim limitations as a result of the incorporation of the limitations of claim 2 into claim 1. Claims 12, 15 and 16 are cancelled in view of the incorporation of limitations from claim 11 into claim 10 to prevent duplicate claims.

The Examiner's indication that claims 4, 5, 7-9, 14-17 and 26 are withdrawn from further consideration as being drawn to a non-elected species is acknowledged. Since claims 4, 5, 8, 14, 17 and 26 further define and limit the inventions defined by claims 1, 10 or 21, the aforementioned claims should be allowable with claims 1, 10 and 21.

In view of the foregoing, allowance of the present application with claims 1, 3-5, 8, 10, 13, 14, 17, 21, 26 and 31 is respectfully requested.

* * * * *

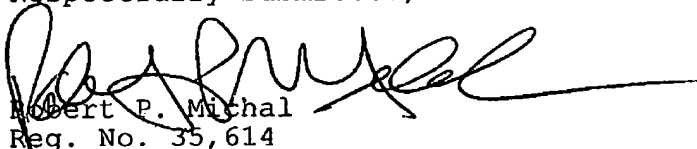
Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

Appln. No. 10/749,667
Amendment dated February 1, 2006
Reply to Office Action of November 17, 2005

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Robert P. Michal
Reg. No. 35,614

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue
New York, New York 10001-7708
Tel. (212) 319-4900
Fax (212) 319-5101
RPM/ms